

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

<p>KRISTIN MARIE SMITH, AND LLOYD SMITH,</p> <p style="text-align:center">Plaintiffs,</p> <p>v.</p> <p>TOYOTA MOTOR CORPORATION, TOYOTA MOTOR SALES, U.S.A., INC.</p> <p style="text-align:center">Defendants.</p>	<p style="text-align:center">Cause No. 12:16-CV-24</p>
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**JOINT STIPULATION OF UNCONTESTED FACTS**

Plaintiffs Kristin and Lloyd Smith and Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. file this Joint Stipulation of Uncontested Facts in accordance with the Court's Amended Case Management Order (Doc. 44). Following the numbered stipulations below, the Parties have also prepared a brief summary of the case that would be appropriate for use during voir dire. The Parties hereby stipulate to the following uncontested facts:

1. This case relates to a rollover crash of a 1997 Toyota 4Runner that occurred on August 7, 2012.
2. The subject 1997 Toyota 4Runner (VIN JT3HN87R3V0109359) was originally sold in May 1997.
3. Toyota Motor Corporation (TMC) was responsible for the design, development, and manufacture of the subject 1997 Toyota 4Runner.

4. Toyota Motor Sales, U.S.A., Inc. (TMS) is the authorized importer and a distributor of the subject 1997 Toyota 4Runner.

5. TMC was in the business of designing, developing, and manufacturing vehicles when it distributed the 1997 4Runner.

6. The subject August 7, 2012 crash was a single vehicle rollover.

7. Kristin Marie Smith was the driver and sole occupant of the 1997 Toyota 4Runner involved in the crash.

8. No one other than Kristin Smith is known to have witnessed the crash occur.

9. Kristin Smith has no memory of the crash.

10. The subject crash occurred on Missouri 6 east of La Belle, Missouri.

11. In the location of the subject crash, Missouri 6 is a two-lane roadway.

12. The speed limit for Missouri 6 in the area of the crash is 55 m.p.h.

13. The Missouri State Police investigated, but did not reconstruct the crash, and took measurements of physical evidence at the scene but did not take photographs of the vehicle or the scene.

14. During the rollover, Kristin Smith was ejected from the 4Runner.

15. Lloyd Smith is the husband of Kristin Smith.

#### **PLAINTIFFS' PROPOSED SUMMARY OF THE CASE**

This is a civil lawsuit brought by Plaintiffs Kristin and Lloyd Smith against Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. (Collectively referred to as Toyota or Defendant), and arises from a single-vehicle rollover crash that occurred on August 7, 2012, on Missouri Highway 6 near La Belle, Missouri. Kristin Smith was the driver of the 1997

Toyota 4Runner involved in this crash. She sustained injuries as a result of the crash and has brought suit against the Toyota defendants alleging that the 1997 4Runner SUV was defective and unreasonably dangerous due to design characteristics that they contend make it unreasonably prone to roll over when used in a foreseeable manner, and because the safety belt failed to perform in a reasonably safe manner thus causing her injuries.

The Toyota defendants deny that the 4Runner is defective as alleged and claim that Plaintiffs' injuries and damages were caused by Mrs. Smith's own negligence.

### **DEFENDANTS' PROPOSED SUMMARY OF THE CASE**

This is a civil lawsuit brought by Plaintiffs Kristin and Lloyd Smith against Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. (Collectively referred to as Toyota or Defendant). This case arises from a single-vehicle automobile rollover crash that occurred on August 7, 2012, on Missouri Highway 6 near La Belle, Missouri. Kristin Smith was the driver and sole occupant of the 1997 Toyota 4Runner involved in this crash, and she sustained injuries as a result of the crash.

Plaintiffs Kristin and Lloyd Smith allege that (1) Toyota sold the 1997 Toyota 4Runner in the course of business, (2) the 4Runner was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use, and (3) while the 4Runner was being used in a reasonably anticipated manner, the defective condition directly caused Kristin Smith's injuries. Toyota denies these allegations and claim that the crash and Kristin Smith's resulting injuries were caused by Kristin Smith's own negligence in failing to use the degree of care that an ordinarily careful person would use under the same or similar circumstances. Toyota further contends the 4Runner was appropriately designed and tested and is reasonably safe.

Respectfully submitted,

/S/ C. Tab Turner

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was electronically served on all counsel of record via the Court's ECF system, this 2nd of April, 2018, to the following counsel of record:

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